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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NEVER-SEARCH, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 3:24-cv-03950-RFL

**JOINT STIPULATION AND
[PROPOSED] ORDER TO MOVE
INITIAL CASE MANAGEMENT
CONFERENCE**

1 Plaintiff Never-Search, Inc. and Defendant Microsoft Corporation hereby submit this Joint
2 Stipulation and Proposed Order to Continue the Case Management Conference, presently
3 scheduled for October 2, 2024, to 15 days after a hearing on a forthcoming Rule 12(b)(6) Motions
4 to Dismiss.

5 Never-Search filed this action in this District on July 1, 2024, asserting infringement by
6 Microsoft of five patents: U.S. Patent Nos. 7,388,519, 8,219,318, 9,177,330, 9,152,981, and
7 11,372,903 (collectively, the “Asserted Patents”). ECF 1. There are two related cases before this
8 Court, *Never-Search, Inc. v. Google, LLC*, 3:24-cv-03733-RFL (N.D. Cal.) (“Google Case”), and
9 *Never-Search, Inc. v. Apple Inc.*, 3:24-cv-03945-RFL (N.D. Cal.) (“Apple Case”). These two cases
10 both also have a Case Management Conference currently set for the same week.

11 Microsoft intends to file a partial Motion to Dismiss in this case. All of the Asserted Patents
12 in this case are also asserted in the Google Case. Google has noticed its intent to file a Motion to
13 Dismiss contending that all Asserted Patents are invalid under 35 U.S.C. § 101 in its case. This
14 Court’s Civil Standing Order provides that: “If a defendant files a motion to dismiss that is
15 dispositive of the entire case, the parties may stipulate to move the initial case management
16 conference to 15 days after the hearing on that motion.” Standing Order at 3.

17 Never-Search and the defendants in these three related cases have discussed the case
18 schedules and propose to keep the cases on a similar schedule to promote efficiency. In the Google
19 Case, the Parties have stipulated, and the Court has approved, vacating the case management
20 conference until 15 days after a hearing is held on Google’s Motion to Dismiss in that case. *See*
21 3:24-cv-03733-RFL, ECF Nos. 28, 29.

22 Accordingly, the Parties have conferred and hereby stipulate to resetting the Case
23 Management Conference to a date to be determined at the hearing on Microsoft’s Motion to
24 Dismiss, which date shall be the same date to which the Case Management Conference in the
25 Google Case is reset.

26 A proposed order entering this Stipulation is attached herewith.

27 **IT IS SO STIPULATED.**
28

1 Dated: September 11, 2024

Dated: September 11, 2024

2 By: /s/ Jason McManis

By: /s/ Sarah E Piepmeier

3 Jason S. McManis
4 **AHMAD, ZAVITSANOS & MENSING PLLC**

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Counsel for Defendant
Microsoft Corporation

14 *Attorneys for Plaintiff*
Never-Search, Inc.

1 Pursuant to the parties' stipulation, the Case Management Conference is hereby vacated and
2 will be reset to a date to be determined at the hearing on Apple's Motion to Dismiss, which date
3 shall be the same date to which the Case Management Conference is reset in *Never-Search, Inc. v.*
4 *Google, LLC*, Case No. 3:24-cv-03733-RFL.

5
6 **IT IS SO ORDERED.**

7
8
9 Dated: _____

By: _____
Hon. Rita F. Lin
United States District Judge

ATTESTATION

Pursuant to Civil L.R. 5-1(i), I hereby attest that all other signatures listed, and on whose behalf the filing is submitted, concur in this document's content and have authorized the filing of this document with the use of their electronic signature.

DATED: September 11, 2024

/s/ Jason McManis

CERTIFICATE OF SERVICE

I certify that I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Northern District of California using the CM/ECF System.

I certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF systems per Local Rule CV-5(a)(3).

DATED: September 11, 2024

/s/ Jason McManis